

REMARKS

Reconsideration of this application in light of the present amendment and remarks is respectfully requested. In the outstanding office action, claims 1-2 are pending in the application. Claims 1-2 are rejected.

Claims 1 and 2 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants' regard as the invention.

Claims 1 and 2 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hockaday in view of Wood.

RESPONSE TO THE OFFICE ACTION

In response to the office action, the specification was amended and claims 1 and 2 were amended.

Applicant notes that Applicant has not received a Notice of Draftsperson's Patent Drawing Review (PTO-948) for this case. Applicant respectfully requests Examiner to forward such document when available.

FORMAL MATTERS

Objection to the Drawings:

In response to the examiner's objection to the drawings, the description has been amended to include the reference signs corresponding to the figures including reference numbers 30,35,40,45,50,55,60,65,70,75,80, and 85, and Figures 2-7.

Objection to the Specification

In response to the examiner's objection to the specification, the specification has been amended to describe the use of the immersion capacitive unit with the current invention. Applicants respectfully submit that no new matter has been added with this amendment as the additional description text can be found in Claims 1 and 2 of the submitted specification.

Objection to the Claims:

In response to the Examiner's objection to claim 1 for informalities, Applicant has corrected the wording of claim 1.

SUBSTANTIVE MATTERS**Claim Rejections - 35 U.S.C. § 112, second paragraph:**

Claims 1 and 2 were amended to remedy the rejection under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. Specifically, Claims 1 and 2 have been amended to change “the plates” to “at least one of the plurality of pairs of plates.” Support for these amendments can be found on Page 3, lines 12-16 of Applicants’ original specification. Claim 2 has further been amended to change “the supply of methanol” to “a supply of methanol” to correct the antecedent matter issue. Claims 1 and 2 have been amended to overcome the rejections, however, the scope of the claims has not been narrowed as a result.

Claim Rejections - 35 U.S.C. § 103(a):

With respect to the Examiner’s rejection of Claims 1 and 2 under 35 U.S.C. § 103(a) as being unpatentable over Hockaday in view of Wood, Applicants respectfully submit that the Examiner has not met the Patent Office’s burden of presenting a prima facie case of obviousness as required by 37 CFR 1.104 (c) (2) as reproduced below:

“In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.”

Specifically, the Examiner’s burden to “cite the best references at his or her command” is not met in that the Examiner’s rejection does not specify patent numbers, only inventor names in the office action rejection. The cited prior art for this application includes two patents in which Hockaday is the inventor (US patent no. 6,326,097 and US patent no. 5,759,712). Applicants’ representative has reviewed both patents and determined that the examiner is most likely referring to US patent no. 5,759,712; however, it is not clear from the wording of the rejection that this is a correct presumption.

Further, the examiner’s burden to particularly point out the relevant parts relied upon is not met in the office action rejection. “When a reference is complex or shows or describes

inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as possible.”

The Examiner’s rejection regarding Claim 1 states that “Hockaday discloses... “a fuel cell (12) capable of operating on hydrogen that is obtained from methanol (Column 16).” Applicants respectfully submit that the reference to Column 16 is a vague and ambiguous reference; thereby not pointing out the particular part relied upon as nearly as possible. Further, upon review of the entire Column 16, Applicants did not find reference to the fuel cell operating on hydrogen *obtained* from methanol.

The Examiner’s rejection regarding Claim 1 further states that Hockaday discloses “a reservoir for storing a supply of methanol (Figure 13).” Applicants respectfully submit that the reference to Figure 13 is a vague and ambiguous reference; thereby not pointing out the particular part relied upon as nearly as possible. Further, upon review of the specification description of Figure 13 (ie: column 11, lines 3 to 28), Applicants did not find reference to a reservoir for storing a supply of methanol. According to the Merriam-Webster On Line Dictionary, the definition of reservoir is “1: a place where something is kept in store: as a : an artificial lake where water is collected and kept in quantity for use b : a part of an apparatus in which a liquid is held c : SUPPLY, STORE <a large reservoir of educated people>.” In Hockaday, Figure 13, there is no such “apparatus where methanol is held” recited nor described. Applicant notes the fuel filled fuel tank 119 of Hockaday is not a reservoir in that the fuel tank is punctured by a fuel needle to make the fuel connection. This is neither related nor anticipatory of a reservoir for holding methanol.

The Examiner’s rejection regarding Claim 2 states that “Hockaday discloses...operating on hydrogen that is obtained from a liquid hydrocarbon fuel (Column 16).” Applicants respectfully submit that the reference to Column 16 is a vague and ambiguous reference; thereby not pointing out the particular part relied upon as nearly as possible. Further, upon review of the specification Column 16, Applicants did not find reference to hydrogen obtained from a liquid hydrocarbon fuel.

The Examiner’s rejection regarding Claim 2 further states that Hockaday discloses “a reservoir for storing a supply of liquid hydrocarbon fuel (Figure 13).” Applicants respectfully submit that the reference to Figure 13 is a vague and ambiguous reference; thereby not pointing out the particular part relied upon as nearly as possible. Further, upon review of the specification description of Figure 13 (ie: column 11, lines 3 to 28), Applicants did not find

reference to a reservoir for storing a supply of liquid hydrocarbon fuel. According to the Merriam-Webster On Line Dictionary, the definition of reservoir is “1: a place where something is kept in store: as a: an artificial lake where water is collected and kept in quantity for use b: a part of an apparatus in which a liquid is held c : SUPPLY, STORE <a large reservoir of educated people>.” In Hockaday, Figure 13, there is no such “apparatus where liquid hydrocarbon fuel is held” recited nor described. Applicant notes the fuel filled fuel tank 119 of Hockaday is not a reservoir in that the fuel tank is punctured by a fuel needle to make the fuel connection. This is neither related nor anticipatory of a reservoir for holding liquid hydrocarbon fuel.

Since the Patent Office bears the initial duty of supplying a factual basis supporting a rejection in a patent application, and the Examiner has not met this initial duty as described above, Applicants respectfully request the rejection of Claims 1 and 2 be withdrawn and Claims 1 and 2 now be passed to allowance.

Additionally, Applicant respectfully requests reconsideration of the rejection of claims 1 and 2 under 35 U.S.C. § 103 as being unpatentable over Hockaday in view of Wood as herein amended. Claims 1 and 2 have been amended to clarify that “the immersion capacitive unit comprises a plurality of pairs of plates placed in more than one location within the reservoir.” Support for this amendment can be found on page 3, lines 12 through 13 of Applicant’s original specification. Applicant respectfully submits that Hockaday in view of Wood does not anticipate the invention recited in amended Claims 1 and 2. Hockaday in view of Wood does not anticipate the immersion capacitive unit comprising multiple pairs of plates located at different locations within the reservoir. Applicant submits that the Wood patent actually teaches away from the present invention since in Wood there is no attempt or intention to locate the plates in different areas of the reservoir. Wood, in contrast, describes “the capacitive plates 11, 12, and 13 are centrally mounted...” (see FIG. 1 and col. 3 lines 21-22).

Claims 1 and 2 as amended define novel structure and methodology as described above, Applicant respectfully submits that such claims are clearly patentable, and reconsideration and withdrawal of the rejection of Claims 1 and 2 is respectfully requested at this time.

The other references of record have been reviewed and applicant's invention is deemed patentably distinct and nonobvious over each taken alone or in combination.

For the foregoing reasons, applicants respectfully request that the above rejections be withdrawn.

Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If the Examiner believes that there are any informalities which can be corrected by Examiner's amendment, or in the event that the Examiner deems the present application non-allowable, a telephone call to the undersigned at (954) 723-6449 is respectfully solicited.

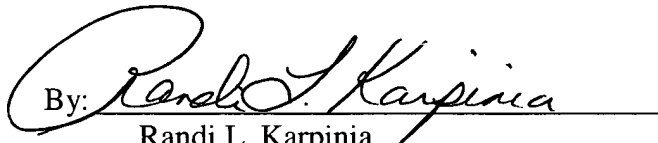
Authorization is hereby given to charge any fees, or credit overpayment necessitated by actions taken herein to Deposit Account 50-2117.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department

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